

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 22, 2003

The Marlboro Township Council held a "Special" Council Meeting on December 22, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Acting Council President Mione announced that pursuant to the provisions of the Open Public Meetings Act, notice of this special meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 12, 2003; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Burrows, Councilman Rosen, Councilwoman Singer, and Acting Council President Mione.

Also present were: Mayor Scannapieco, Township Attorney Jonathan Williams, Esq., Ronald H. Gordon, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta.

Mayor-elect Kleinberg, Councilwoman-elect Patricia Morelli, and Councilman-elect Joseph Pernice were in attendance.

Discussion followed by Council, after which Res. #2003-388 (Override of Mayor's veto of Ordinance #2003-26) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-388

A RESOLUTION OVERRIDING THE VETO OF ORDINANCE # 2003-26 ENTITLED, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE IV "MAYOR", SECTION 4-30 "INTERIM APPOINTMENTS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, VETOED BY MAYOR MATTHEW V. SCANNAPIECO ON DECEMBER 12, 2003

WHEREAS, on December 4, 2003 Ordinance # 2003-26, entitled An Ordinance amending and supplementing Chapter 4, "Administration of Government", Article IV "Mayor", Section 4-30 "Interim Appointments" of the Code of the Township of Marlboro ("Ordinance # 2003-26") was adopted by the Township Council of the Township of Marlboro; and

WHEREAS, on December 12, 2003, Mayor Matthew W. Scannapieco vetoed Ordinance # 2003-26; and

WHEREAS, pursuant to The Optional Municipal Charter Law, N.J.S.A. 40:69A-36(a), the municipal Council of a municipality has the power to override the veto of an ordinance by the mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-41(a), "No ordinance shall take effect without the mayor's approval ... or unless Council upon reconsideration thereof on or after the third day following its return by the mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto."

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in accordance with the provisions of The Optional Municipal Charter Law, at N.J.S.A. 40:69A-36(a) and N.J.S.A. 40:69A-41(a), that, upon reconsideration of Ordinance # 2003-26 entitled, An ordinance amending and supplementing Chapter 4, "Administration of Government", Article IV "Mayor", Section 4-30 "Interim Appointments" of the Code of the Township of Marlboro, after the veto of said ordinance by Mayor Matthew V. Scannapieco issued on December 12, 2003, the Township Council of the Township of Marlboro hereby resolves to override the aforesaid veto upon the decision of its members, such decision being made by no less than two-thirds of the members of the Township Council of the Township of Marlboro.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Matthew V. Scannapieco
- b. Township Business Administrator
- c. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 9:15 PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 22, 2004

OFFERED BY: Denkensohn AYES: 3

SECONDED BY: Mione NAYS: 0

ABSTAIN: Morelli, Pernice

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
ACTING COUNCIL PRESIDENT